



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,197	08/21/2001	Daisuke Ito	0879-0346P	6456

2292 7590 06/02/2003

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

HARRIS, TIA M

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 06/02/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/933,197

Applicant(s)

ITO ET AL.

Examiner

Tia M Harris

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final. *This is now Non-Final - See Page # 13*
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 3/18/03 have been fully considered but they are not persuasive. Examiner acknowledges that the amendment to claim 1 was made based on discussions in the interview held 3/12/03. However, upon further consideration, the examiner respectfully disagrees that the added limitation overcomes the cited art of record. The examiner regrets any inconvenience this causes the applicant, including furthering prosecution of this case.

Applicant argues that Watanabe et al (hereafter referred to as Watanabe) in view of Freeman et al (hereafter referred to as Freeman) do not teach transmitting at least one of image data and operation information when the camera is within a predetermined distance of the external apparatus. The examiner respectfully disagrees with this assessment of the references. It is obvious that in order for the camera and the external apparatus to be able to communicate with each other, they would have to be within a predetermined distance from each other in order to receive transmitted signals. It is well known in a communications environment that if two units that are to communicate with each other are outside of a specified range from each other, (i.e. an area where the units cannot receive or send a signal), image data, control information, or any other data will not be able to be transmitted from one unit to the other. Therefore, it would have been obvious that the camera and external apparatus disclosed by Watanabe in view of Freeman would have to be within a predetermined distance from each other in order to communicate. Therefore, for at least these reasons, the rejections of claim 1 and its dependent claims are maintained.

Applicant further argues that Watanabe in view of Freeman do not teach wirelessly transmitting image data from the camera to the external apparatus, and that the video camera

Art Unit: 2615

(1) and remote unit (2) of Freeman cannot be configured to disclose the camera integrated VTR (10) of Watanabe. The examiner respectfully disagrees with this assessment of the references. As stated in the previous office action, and noted by the applicant, the examiner is relying on the wireless communication between combined camera (1)/remote unit (2) and host unit (3) of Freeman to teach wirelessly transmitting image data from the camera to an external apparatus (as claimed). As further noted by the applicant, the camera integrated VTR (10) of Watanabe has an editing function for editing video signals, and recording/reproducing part (1) includes, among other units, a system control (2) for controlling the editing functions and a remote-control signal transmitting part (3). This camera integrated VTR edits image data, and transmits the image data to stationary VTR (11). Likewise, with the video camera (1) combined with the remote unit (2) of Freeman, image data will be captured, edited, and transmitted wirelessly to host unit (3). The camera integrated VTR of Watanabe illustrates that the functionality and units of a camera and recording/reproducing unit can be combined into one unit. Therefore, the camera and recording/reproducing unit of Freeman can also be combined into one unit, to wirelessly transmit image data to host unit (3). Therefore, for at least these reasons, the rejections of claims 2, 5, 9, 11, 12, 15, and 17, and their respective dependent claims are maintained.

Applicant further argues that the host unit (3) of Freeman wirelessly communicates with remote unit (2) and not camera (1). The examiner respectfully disagrees with this assessment of the reference. As stated previously, the examiner is combining the functionality and units of camera (1) and remote unit (2) as one unit, this combined unit wirelessly transmitting data to host unit (3). For at least this reason, the rejections of claim 4 and its dependent claims are maintained.

Art Unit: 2615

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4, 6, 10, 12-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe et al (5953481) (hereafter referred to as Watanabe) in view of Freeman et al (5579239) (hereafter referred to as Freeman).

(Claims 1, 12) Watanabe discloses a reproducing apparatus having an editing function. This apparatus includes a camera-integrated type VTR that comprises a body (10), a control part provided to the body (5), the control part being operated by a user, communication device which transmits image data (Col 10, Lines 16-20), and a wireless communication device (3) that transmits operation information corresponding with operation of the control part to an external apparatus to remotely control the external apparatus (Col 9, Lines 61-67; Col 10, Lines 1-38). Watanabe does not specifically disclose the wireless communication device transmits image data.

Freeman discloses a remote video transmission system wherein image data is transmitted wirelessly from a camera-integrated device (1,2) to an external apparatus (3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made that the image data transmitted by Watanabe would be transmitted wirelessly, in the manner taught by Freeman, so communication would be made easier by being accessible in areas where standard lines are inaccessible.

Art Unit: 2615

(Claims 3-4, 13) Watanabe further discloses a storing device that stores identification information for specifying the external apparatus (Col 8, Lines 8-12) and a specifying device (5) that specifies the external apparatus from the identification information stored in the storing device. Freeman further discloses compressing the image data, transmitting the data, and then decompressing the image data at the external apparatus (Abstract, Lines 1-6). It would have been obvious to one having ordinary skill in the art at the time the invention was made to compress and decompress the image data transmitted by Watanabe, in the manner taught by Freeman, to be able to use low band width lines and reduce time needed to transmit data across the lines.

(Claim 6) Freeman further discloses the external unit has a display (Col 4, Lines 28-31; Col 5, Lines 2-3).

(Claim 10) Watanabe further discloses the control part comprises an operation key (input key group (5)).

(Claim 14, 16) Freeman further discloses difficulties encountered when transmitting data via wireless means. Some of the difficulties encountered include aligning the antennas of the transmitting and receiving apparatuses and obstructions between the transmitting and receiving antennas (Col 1, Lines 47-56). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that the camera and external apparatus would have to be within a predetermined distance from each other to allow the transmission of image data and information relating to the image data for storage on the external apparatus to occur without encountering the specified difficulties.

3. Claims 2, 5, 7, 9, 11, 15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watanabe in view of Freeman and Matsumoto et al (5796428) (hereafter referred to as Matsumoto).

(Claim 2) Watanabe in view of Freeman discloses an image reproducing apparatus as discussed above, and Watanabe further discloses the external apparatus comprises a wireless communication device (12) that communicates with the camera to receive accessory information. Not specifically disclosed in the inventions of Watanabe and Freeman is a processor configured to classify images received from the camera into image groups according to the accessory information and create virtual folders, each of the virtual folders comprising each of the image groups, and a displaying device which displays the virtual folders.

Matsumoto discloses an electronic photography system. Image data is captured by image capturing unit (101) and stored along with attribute data of the picture image data (Col 7, Lines 53-56). The storage/display unit accepts the attribute and image data from the image-capturing unit, display controller (112) creates album data based on the image and attribute data (Col 7, Lines 57-61; Col 8, Lines 18-19), and displays data on display (113). Display controller (112) classifies images received from image capturing unit (101) into groups according to attribute information and creates albums (virtual folders) that contain the image groups (Col 9, Lines 53-56; see Figs. 5, 7, 8), and display device (113) displays the albums (virtual folders).

It would have been obvious to one having ordinary skill in the art at the time the invention was made that auxiliary data could be used to group images taken by the apparatus disclosed by Watanabe in view of Freeman into "albums" based on the attribute data, in the manner taught by Matsumoto, to designate which folder to put images in, to keep related pictures together in a place where they are easily accessible, and to minimize rearrangement and loss of pictures.

(Claims 5, 17) Matsumoto further discloses a taking lens (202), CCD (203) that serves as an imaging device, and CCD controller (206) that serves as a recording device that records a

Art Unit: 2615

captured image in storage unit (104) (Col 8, Lines 44-48, 56-59). All of these parts are notoriously well known camera elements.

(Claims 7, 18) Watanabe discloses a storing device and specifying device as discussed above in the rejection of Claim 3, and Freeman discloses the compressing means as also discussed above with reference to the rejection of Claim 3.

(Claims 9, 11, 15) Matsumoto discloses a camera with a body, taking lens, imaging device, and recording device as discussed above with reference to the rejection of Claim 5, and also discloses a processor configured to classify images as discussed above with reference to the rejection of Claim 2. Matsumoto further discloses the external apparatus comprises a storage/display controller (111) that comprises an inherent memory for storing program instructions, and display controller (112) responds to these instructions to classify received images. Watanabe in view of Freeman disclose a camera apparatus that comprises a wireless communication device, control part controlled by a user, and operation information, and an external apparatus that comprises a wireless communication device, as discussed above with reference to the rejection of Claim 2.

(Claim 19) See rejection to Claims 14 and 16 above.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

See
Paf on
p. 13

Art Unit: 2615

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tia M Harris whose telephone number is 703-305-4807. The examiner can normally be reached on M-F 8:30 am - 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

tmh tmh
May 30, 2003



**ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**